

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

KONSTANTINOS PANAGATOS,

Plaintiff,

-against-

PETSMART, INC.,

Defendant.

CIVIL ACTION

NO. 18-CV-05032[SJF/AKT]

**NOTICE OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

**PLEASE TAKE NOTICE** that, upon the annexed Declaration of John M. Wutz, Esq. in Support of Defendant's Motion for Summary Judgment, sworn to on the 31<sup>st</sup> day of July, 2019 and the exhibits annexed thereto, Statement of Undisputed Material Facts, dated the 31<sup>st</sup> day of July, 2019 and the accompanying Memorandum of Law in Support of Defendant's Motion for Summary Judgment, dated the 31<sup>st</sup> day of July, 2019, Defendant, PetSmart, Inc., by and through its undersigned counsel, will move this Court before the Honorable Sandra J. Feuerstein, U.S.D.J., at the United States Courthouse located at 100 Federal Plaza, Central Islip, New York 11722, on \_\_\_\_\_, 2019, at 9:30 a.m., pursuant to Federal Rules of Civil Procedure Rule 56 for an Order dismissing the Summons and Complaint of Plaintiff, Konstantinos Panagatos, dated May 10, 2018, as Defendant did not have notice of, either actual or constructive, nor did it create, any transient substance that allegedly existed on the floor of Defendant's premises located at 3050 Middle Country Road, Nesconset, County of Suffolk, State of New York, at any time prior to Plaintiff's alleged accident on May 23, 2016.

**PLEASE TAKE FURTHER NOTICE** that Defendant, PetSmart, Inc., requests oral argument on its motion.

**THE CHARTWELL LAW OFFICES, LLP**

Dated: July 31, 2019

BY: /s/ John M. Wutz

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